IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.2778 OF 2004

Rakushka Export Pvt. Ltd.....Petitioners

Versus

The Brihan Mumbai Electric Supply
& Transport Undertaking.....Respodnent

Mr.R.V. Walawalkar with Mr.S.G. Walam, for the petitioner

Mr. H. Toor i/b. Crawford Bayley & Co., for the Respondent Nos. 1 and 2.

CORAM: F.I. REBELLO, J.
DATE : 15th October,2004

P.C.:

1. The petitioners have an alternative remedy under the provisions of the Electricity Act, 2003. In the light of that this would not be a fit case for this Court to entertain the petition in the exercise of its extra ordinary jurisdiction. Under Section 42, a Tribunal for hearing disputes arising under the Act has been set up. It will, therefore, be open to the petitioner to move such Tribunal. There is no requirement of predeposit before the Tribunal. However, considering Section 56 it is open to the respondent in the event the consumer does not pay to cut-off the electric supply. Bearing this fact in mind and the facts of this case the respondents are directed not to cut-off the electric supply of the petitioners if the petitioners within a period of two weeks from today deposit 50% of the amount claimed by the respondent herein and moves the Tribunal under Section 42 within a period of four weeks from today. The amount to be deposited with the respondent No.1.

. Petition stands disposed of accordingly. No order as to costs.

(F.I.REBELLO, J.)